

The Law Office of  
**ANTHONY M. GRANDINETTE**

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114 Old Country Rd. Suite 420 • Mineola, NY 11501

Mirel Fisch  
Admitted in New York/New Jersey  
Of Counsel.  
Paul Casteleiro  
New Jersey

Telephone: (516) 877-2889  
Facsimile: (516) 294-5348  
Email: Grandinettelaw@gmail.com

March 8, 2019

Honorable Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: Moroughan v. The County of Suffolk, et al.  
12-cv-0512 (JFB) (AKT)**

Dear Judge Bianco:

My office represents the Plaintiff, Thomas M. Moroughan, in the above-referenced matter. Three summary judgment motions were filed in this case.<sup>1</sup> I am writing to request leave to submit one joint Declaration containing all of Plaintiff exhibits, as well as to file excess pages in opposition to the motions by the Nassau and Suffolk Defendants. Plaintiff's oppositions are due to be filed by Monday, March 11, 2019.

Regarding the Declaration, given that this case alleges a conspiracy between the various defendants from the Nassau and Suffolk Police Department, most of the exhibits cited in Plaintiff's three oppositions are duplicative. Accordingly, with the consent of all parties, I am requesting leave to submit one Declaration, expressly designated as being submitted in opposition to all three motions, which will be electronically filed together with each opposition, containing all of Plaintiff's exhibits. Additionally, unless the Court prefers to receive three duplicate binders containing Plaintiff's Declaration and attached exhibits, I am requesting to leave to have just one of the groups of defendants submit the courtesy copy to chambers at the time the motions are bundle-filed. I did not ask the defendants if they consent to this request.

Regarding the request to file excess pages, counsel for the Nassau Defendants does not consent to the request, however counsel for the Suffolk Defendants does not object. As noted, this case alleges that all defendants—16 in total, conspired amongst themselves, and with others, to have Moroughan unlawfully arrested and prosecuted. The motion by the Nassau Defendants lists 13 separate point headings. Additionally, within several of those separate sections, they include quite a few legal theories as a basis for their claimed entitlement to summary judgment, many of which are a few lines long at most, and at times entirely unsupported, and although only they are only briefly addressed by the Nassau Defendants' motion, they nonetheless require a sufficient response. Accordingly, I am requesting leave to file eight additional pages in response to the motion by the Nassau Defendants. The motion by the Suffolk Defendants only lists four separate headings, however within those sections, numerous different legal theories are raised,

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<sup>1</sup> All defendants, other than Defendant DiLeonardo, filed motions for summary judgment.

particularly pertaining to the false arrest and malicious prosecution claims. Plaintiff is required to demonstrate, in response to several different arguments, how probable cause did not exist for any elements of the crimes Moroughan was charged with, and how several of the individual Suffolk defendants initiated the criminal proceeding against him, based upon various theories, despite the fact that only one of the Suffolk defendants signed the charging documents. Accordingly, I am requesting leave to file 15 additional pages in response to the motion by the Nassau Defendants.

I thank the Court for its attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Fisch', with a stylized flourish at the end.

Mirel Fisch

CC: All counsel via ECF